



Belgium

Country Reports on Human Rights Practices - [2003](#)

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Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Parliamentary elections held on May 18 were free and fair and resulted in a four-party coalition government. The country is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The judiciary is independent.

The civilian authorities maintained effective control of all security forces. The Federal Police are responsible for internal security and nationwide law and order. Local Federal Police branches operated in all 196 police districts. There were no reports that security forces committed human rights abuses.

The country, which had a population of approximately 10.3 million, was highly industrialized, with a large private sector and limited government participation in industry. The primary exports were machinery and equipment. The economy grew an estimated 0.8 percent during the year and provided a high standard of living for most citizens; there was little economic disparity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Societal violence against religious minorities was a problem. Trafficking in women and children remained problems, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The trial of five ex-gendarmes for their alleged roles in the 1998 death of Semira Adamu, a Nigerian refugee who died during her forced repatriation, concluded on December 14, with suspended 12-month sentences for three of the officers, a suspended 14-month sentence for the officer-in-charge, and an acquittal for the fifth officer. The Government was ordered to pay damages to the victim's family. The trial for the 1991 killing of Andre Cools began on October 17 and was pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and in general government officials did not employ them.

On July 2, the Government published its response to a report by the Council of Europe's Committee for the Prevention of Torture (CPT) based on a 2001 visit. The CPT report made recommendations concerning the use of

force and means of restraint during involuntary movement of prisoners, but noted that the Government had already taken numerous measures to reduce risks to prisoners. The report's principal concerns were violence between prisoners at Andenne Prison, chronic overcrowding at Antwerp Prison, and the operation of the psychiatric care system in prisons. In response, the Government highlighted the adoption of specific articles in the Criminal Code prohibiting torture and inhumane treatment and reported its prohibition against the use of plastic handcuffs the use of immobilization techniques that could result in asphyxiation. The Government also established an interministerial working group on the implementation of CPT recommendations.

Other Government actions to implement the CPT recommendations included closure of a psychiatric ward at Lantin prison; new measures to combat prison violence; and a more liberal policy for allowing prisoners access to medical treatment.

Following the death on July 16 of a prisoner at Lantin penitentiary, a judicial inquiry began into the actions of two prison guards. The investigation continued at year's end.

Prison conditions varied: Newer prisons generally met international standards, while some older facilities nearly met international standards despite their Spartan physical conditions and limited resources. Overcrowding remained a problem: The prison system, which was designed to hold 7,870 prisoners, held on average 8,804 prisoners in 2002, according to government figures. Construction projects to expand the prison system capacity by 870 persons have not yet been completed. However, the Government undertook the following actions to reduce overcrowding: Alternative sentencing; electronic surveillance at home for about 300 prisoners nearing the end of their sentences (with plans to add another 450 by year's end); and agreements with several countries to return foreign prisoners to their home countries to complete their sentences.

Men and women were held separately. Juvenile prisoners were not permitted to be held in adult prisons. Juvenile prisoners were routinely released from detention whenever the maximum-security facility reached its limit. The Government did not hold convicted criminals and pretrial detainees in separate facilities.

The Government permitted visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The operations of all police forces are integrated into a federal system and overseen by the Federal Police Council and an anticorruption unit. An independent oversight committee monitors police activities and compiles an annual report for Parliament. The Federal Police are responsible for internal security and nationwide law and order and operated local branches in all 196 police districts. Corruption was not a problem.

Arrested persons must be brought before a judge within 24 hours. Pretrial confinement was subject to monthly review by a panel of judges, which could extend pretrial detention based on established criteria, for example, if the court deemed the arrested person likely to commit further crimes or attempt to flee if released. At times, lengthy pretrial detention was a problem. Bail exists in principle under the law but was granted rarely. In September, 38 percent of the prison population consisted of pretrial detainees. Pretrial detainees received more privileges than did convicted criminals, such as the right to more frequent family visits. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the State.

Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest pending trial at year's end. Following the Council of State's March 31 reversal of a 2000 expulsion order, Erdhal renewed her application for political asylum.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The criminal judicial system consists of: Procedural courts that rule on the admissibility of evidence and matters

pertaining to the conduct of an investigation; District courts that conduct trials for minor to moderate criminal offenses; the Assize Court and the Court of Appeal that conduct trials for the most serious criminal offenses committed within their geographic regions; and the Supreme Court of Appeals that hears appeals of Court of Appeal decisions. The Supreme Court of Appeal can uphold a verdict of the Court of Appeal, but it cannot actually overturn one. It may, however, return the case to be tried anew by a different Appeal Court if it finds fault with the first court's application of the law or procedures. The decisions of the Supreme Court of Appeals cannot be appealed.

A High Council on Justice supervised the appointment and promotion of magistrates. The Council served as a permanent monitoring board for the entire judicial system and was empowered to hear complaints against individual magistrates.

The federal prosecutor's office is authorized to prosecute crimes involving nuclear materials, human trafficking, arms trafficking, human rights violations, terrorism, crimes against the security of the State, as well as any case involving foreign perpetrators, victims, or territory.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Charges were stated clearly and formally, and there was a presumption of innocence. All defendants had the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The Summary Trial Act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. No summary trials were conducted during the year, and the new Justice Minister stated that the procedure will no longer be used.

Military tribunals tried military personnel for common law as well as military crimes. All military tribunals consisted of four military officers and a civilian judge. At the appellate level, the civilian judge presided; a military officer presided at trial. The accused had the right of appeal to a higher military court. Peacetime use of military tribunals is scheduled to be abolished after December 31.

Each judicial district had a labor court, which dealt with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There was also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

Early in the year, private parties filed criminal complaints alleging war crimes and crimes against humanity against foreign civilian and military officials under the country's Law of Universal Competence. The law was amended in April, repealed in August, and replaced by a law that authorizes jurisdiction over alleged war crimes and crimes against humanity committed outside the national territory only when the victim or perpetrator is a citizen or resident of Belgium. The new law also rendered moot all existing cases that lacked the required connection to the country.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. There were restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

In July, the European Court of Human Rights awarded damages to four journalists for violations of their privacy and freedom of speech. The homes of the journalists had been searched in a 1995 attempt to determine whether magistrates had been disclosing confidential information about the investigation into the murder case of Andre Cools.

The independent media were active and expressed a wide variety of views without government restriction. Although the Government had no official editorial control over content, the potential for political influence existed, as each station's operations were overseen by a board of directors that consisted of representatives of all the main political parties as well as representatives of the linguistic communities.

There were no restrictions on access to the Internet.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Citizens were free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian), and these religions received subsidies from government revenues. Nonconfessional philosophical organizations (laics) served as a seventh recognized "religious" group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, received funds and benefits similar to those of the six recognized religions.

By law, each recognized religion has the right to provide teachers at government expense for religious instruction in public and private schools. For recognized religions, the Government paid the salaries, lodging, and retirement expenses of ministers and also subsidized the construction and renovation of church buildings. The lack of recognized status generally did not prevent religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment.

In 1998, Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as "dangerous," the list quickly became known in the press and to the public as the "dangerous sects" list. This list was not part of the report approved by Parliament.

Although the Government stated that it neither recognized nor utilized the list associated with its 1997 parliamentary inquiry, some groups continued to complain that their inclusion caused discriminatory action against them. They maintained that the effect of the list was perpetuated by the existence of the Center for Information and Advice on Harmful Sects, a government-sponsored organization charged with monitoring religious groups and providing information about them to the public and the authorities. Although the Center has maintained that the 1997 list has no bearing on its work, the groups on which it focused were among those listed by the parliamentary inquiry. While the Center had no legal authority to declare any religious group harmful, some groups stated that the initial creation of the list, followed by the establishment of an organization that has monitored some groups from the list, caused negative assumptions and guilt by association.

Print and broadcast coverage of the September 17 opening of the Church of Scientology's European Office for Public Affairs and Human Rights in Brussels stated that the Government had declared the church "harmful" in 1997. The opening of this office, in spite of that determination, was cited by at least one leading publication as reason to provide the Center for Information and Advice on Harmful Sects with additional resources.

An independent judge completed his 5-year criminal investigation into allegations against Church of Scientology, clearing the way for a prosecutor to seek indictments and take the case to trial. Indictments had not yet been issued at year's end, and the specific charges against Church officials remained unknown.

Although there is no provision in immigration law for members of unrecognized religious groups to enter the

country for the purpose of religious work or for them to obtain work permits for that purpose, the Government established temporary procedures in May 2002 by which at least one unrecognized religious group, the Church of Jesus Christ of Latter-day Saints, could bring in members from abroad temporarily to conduct missionary activities. Discussions to formalize this agreement were ongoing at year's end.

In June, there was a failed carbombing of the synagogue in Charleroi, and the Government continued to provide a police presence around some synagogues during worship services. Local police addressed the problem on a case-by-case basis with the various synagogues.

In addition, other religious groups complained of societal discrimination, particularly groups that have not been officially recognized by the Government or those associated primarily with immigrant communities.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, 16,470 asylum applications were submitted, 12 percent fewer than in 2002, continuing the downward trend begun in 2000. Authorities claimed that the application rate continued to decline largely because the Government had developed a system less attractive to illegitimate asylum-seekers. Applicants are required to go to open reception centers to receive room, board, and basic services. The Government claimed that approximately 75 percent of all asylum cases were resolved within 8 weeks. It reported that its 45 reception centers for applicants were about 75 percent full.

In response to complaints about slow processing and the large backlog of asylum applications, the Government in 2001 adopted a "last in, first out" policy in processing new applications. The asylum case backlog at year's end was approximately 8,000, a reduction of 32,000 since the end of 2001, and average asylum processing time has fallen sharply; however, the backlog for processing appeals of negative decisions grew to 32,000.

The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to deportation.

There are five closed detention centers for aliens who entered the country illegally. The detention of minors in these facilities remained controversial, and the Government indicated that it was exploring new means for handling underage asylum seekers.

The Government also provided protection to certain individuals who fall outside the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Undocumented asylum seekers arriving by air, whose claims did not appear legitimate as determined by immigration officials, were not allowed to enter but were held in a closed detention center at the airport while awaiting deportation or voluntary repatriation. The children of such asylum seekers did not attend school. Those applicants whose claims appeared to be legitimate were released to a system of 39 reception centers for shelter and assistance. These centers had a total capacity of 7,000 beds.

During the summer, approximately 300 Afghan asylum seekers took refuge in a church to protest the rejection of their applications. Many also went on a hunger strike. The Interior Minister allowed all of the protesters to remain in the country until at least March 2004 (those with children until July) and promised a review of their individual cases. Since the law permits a family of asylum seekers resident in the country for at least 3 years to apply for regularization (4 years for an individual), the practical result of the extension is that many of the 300 will ultimately be able to remain in the country permanently. Fourteen Iranian asylum-seekers also went on a hunger strike to protest the rejection of their applications, and were also granted a temporary stay while their cases were re-examined.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections was compulsory, and failure to vote was subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operated freely.

The Government was responsible for security, justice, social security, and fiscal and monetary policy. The regional governments were charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German created significant complexities for the Government. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group. With three official languages, the country had a complex linguistic regime, including language requirements, for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

The law prohibits federal funding for political parties that espouse discrimination. After two lower courts ruled that they were not competent to hear the case of charges brought against three nonprofit organizations linked to the Vlaams Blok party, the prosecutor and the Center for Equal Opportunity and the Fight Against Racism (CECLR), an autonomous governmental entity, appealed to the country's Supreme Court of Appeals. In November, the Supreme Court of Appeals ruled that the case should be heard by the Court of Appeals based in Ghent. At year's end, proceedings at the Ghent appellate court had not yet begun.

There were 53 women in the 150-seat Chamber of Representatives and 22 women in the 71-seat Senate; 5 of the 15 Cabinet ministers were women. In 2002, Parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections. Data was not available on the number of members of minorities represented in Parliament or who have leading positions in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government generally enforced these laws. In February, a law broadening the scope of anti-discrimination legislation and stiffening penalties for violations came into force.

Women

Societal violence against women was a problem. The law defines and criminalizes domestic violence with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to the law's proponents, the police do not use it enough. By year's end, the Government had not implemented other provisions of the law that required it to establish and maintain a database of statistics on domestic violence. Spousal rape is illegal, but no data was available on the number of persons charged or convicted of spousal rape.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners. Approximately 80 percent of these organizations' budgets were provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution

itself. Trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. The Sexual Harassment Act provides that victims of sexual harassment have the right to sue their harassers and that sexual harassment can be a form of sexual discrimination. The Act also prohibits discrimination in hiring, working conditions, promotion, wages, and contract termination. Most cases of sexual harassment were resolved informally.

The Constitution and the law provide for the equal treatment of men and women. The Government actively promoted a comprehensive approach to the integration of women at all levels of decision-making. In June, the Ministry of Labor's Division of Equal Opportunity became a new agency, the Institute for the Equality of Men and Women. This Institute is authorized to initiate lawsuits if it finds that equality laws have been violated.

In 2002, the net average salary for a woman was 84 percent of the national net average salary.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care and provided free compulsory education from ages 6 to 18. The Francophone and Flemish communities had agencies specifically dealing with children's needs.

The Constitution provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. The Federal Police has a specialized unit dedicated to investigating child pornography complaints, and there are comprehensive child protection laws. The law combats child pornography by applying severe penalties for such crimes and against persons possessing pedophilic materials. The law permits the prosecution of the country's residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking.

There were some reports of abuse of children, although there was no societal pattern of abuse directed against children.

Child prostitution was a problem but was not widespread. Trafficking in children was a problem (see Section 6.f.).

Government and private groups provided shelters for runaways and counseling for children who were physically or sexually abused. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 2,629 cases in 2002, a nearly 30 percent increase since 2000. Approximately 42 percent of the reported cases concerned runaways, 23 percent involved abduction by parents, 23 percent were reports of disappearance, and nearly 8 percent were pedophilia cases. The most marked increase was in the reports of disappearances. Child Focus also noted that 67 percent of the reported runaways were girls.

Persons with Disabilities

The law provides for the protection of persons with disabilities from discrimination in employment, education, and the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandated that public buildings erected after 1970 be accessible to such persons and offered subsidies to encourage the owners of other buildings to make necessary modifications. However, many older buildings were not accessible.

The Government provided financial assistance to persons with disabilities. It gave special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provided other assistance, such as job training. Persons with disabilities were eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just in their region of residence.

National/Racial/Ethnic Minorities

In the country's pluralistic society, individual differences generally were respected, and linguistic rights in particular generally were protected. Approximately 60 percent of citizens were native Dutch speakers, 40 percent French speakers, and less than 1 percent German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors or for employers to consider these factors in their decisions to hire, train, or dismiss workers; however, immigrant communities complained of discrimination, particularly in the job market. The law also expanded the mandate of the CECLR, which is now authorized to represent plaintiffs in court; however, the agency's director resigned in August, complaining of increased government interference and efforts to curtail the Center's power to act independently.

Members of the Muslim community, estimated at 350,000, principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and especially against young men, is greater than that experienced by other immigrant communities. Only 30 percent of working-age, non-EU immigrants were employed.

In 2002, the CECLR, which was tasked with investigating complaints of discrimination based on race, handled 1,316 complaints, only 17 of which led to court action by the Center. The total number of complaints handled by the Center was up slightly for the second year in a row, reversing 3 years' of gradual decline.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that workers have the right to associate freely, including the freedom to organize and to join unions of their own choosing. The Government did not limit such activities, and workers fully and freely exercised their right of association. Approximately 60 percent of employed and unemployed workers were members of labor unions. Unions were independent of the Government but had important links with major political parties. The Government did not require unions to register.

Unions were free to form or join federations or confederations and were free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. A 2002 nationwide collective bargaining agreement set the benchmark for wage increases at 5.4 percent. It included an agreement on providing early pensions to workers who lose their jobs before reaching the retirement age of 58.

Organized workers, including civil servants, have the right to strike; however, members of the merchant marine, the military, and magistrates do not. The federal and local police forces also have the right to strike; however, the Government could order necessary personnel back to work to maintain law and order. Following an October 2 announcement by Ford that it would cut 3,000 jobs at its plant in Genk, workers staged a variety of protest actions. These included production slow-downs, working reduced hours, and 24-hour strikes. Protest actions ceased in late October, following assurances from Ford that the plant would remain open and its agreement to negotiate severance packages.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Trade union representatives enjoy special protections against layoffs. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly was much more common than reinstatement. Effective mechanisms such as labor courts in each district existed for the adjudication of disputes between labor and management (see Section 1.e.).

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age of employment for children was 15. Youths between the ages of 15 and 18 could participate in part-time work/study programs and work full time during school vacations. The labor courts effectively monitored compliance with national laws and standards. There were no industries where any significant child labor existed.

e. Acceptable Conditions of Work

The monthly national minimum wage for workers over 21 years of age was approximately \$1,540 (1,233 euros); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent of the minimum. The national minimum wage, coupled with extensive social benefits, provided a decent standard of living for a worker and family. Minimum wages in the private sector were set in a 2002 nationwide collective bargaining agreement signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. As of January 1, the standard workweek cannot exceed 38 hours. Many collective bargaining agreements (negotiated by sector) set standard workweeks of fewer hours and prohibited work on Sundays. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 39th to 50th hour per week are considered allowable overtime. Longer workdays are permitted only if agreed in a collective bargaining agreement. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplemented these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implemented health and safety legislation through a team of inspectors and determined whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitored compliance with national health and safety laws and standards.

f. Trafficking in Persons

The law defines and criminalizes trafficking in persons; however, the country was both a transit point and destination for trafficking in women and children. Despite laws that offer protection and continued residence in the country to victims of trafficking who come forward, both governmental and nongovernmental sources indicated a continuing rise in trafficking, particularly of women and minors for sexual exploitation.

The law provides that persons convicted of violating the anti-trafficking law are subject to 1 to 5 years of imprisonment and substantial fines. Members of trafficking "organizations" and persons committing offenses that include aggravated circumstances may be punished by 10 to 15 years of hard labor and higher fines. Penalties for trafficking of children are more severe: Up to life imprisonment if the victim is under 10.

Five persons suspected of involvement in a pedophile/child pornography and trafficking ring uncovered in 1996 remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested and charged with murder. Dutroux was formally indicted on pedophile/child pornography and trafficking charges in December 2002; in June, the Government announced that the case would go to trial on March 1, 2004. The lengthy delay in bringing the pedophile and trafficking case against Dutroux to trial continued to fuel public criticism about the investigation of the case and the judicial system in general.

An interdepartmental committee provided coordination and communication between the various agencies and ministries involved in combating trafficking. This committee met several times annually under the auspices of the CECLR. A magistrate was designated in each judicial district to supervise cases involving trafficking. The newly created Federal Prosecutor's Office is in charge of coordinating the various anti-trafficking initiatives. There are anti-trafficking units in the police forces. The Anti-racism Center identified 330 human trafficking-related cases in the courts in 2001 and 2002: 160 cases involved alien smuggling, 80 were prostitution-related, and 30 concerned labor exploitation. Sentences for persons convicted under the law ranged from approximately 2 to 6 years' imprisonment and fines of approximately \$2,750 to \$13,750 (2,200 to 11,000 euros). However, at least some of the convictions were related only indirectly to trafficking.

Trafficking victims continued to come primarily from sub-Saharan Africa (particularly Nigeria), Central and Eastern Europe (particularly Albania), and Asia (particularly China). Nigerian and Albanian victims usually were women between the ages of 21 and 30 trafficked for prostitution. Overall, victims of sexual exploitation were increasingly

women under age 18. The women were sometimes under the threat of violence by gangs that controlled the trade. Possible threats included retribution against the victims' families in their home countries. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops.

Most cases of trafficking were believed to be the work of organized gangs from Central and Eastern Europe (particularly Albania). While a growing number of victims came forward, this rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the EU's open borders to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

The law provides that victims of trafficking who provide evidence against the trafficker may be granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the country's three regions, the Government designated and subsidized a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims generally were respected in practice, and they were not treated as criminals. The CECLR did not maintain statistics on how many victims of sexual exploitation were sheltered and assisted.

Anti-trafficking liaison officers were assigned to the country's embassies in some countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of Congo, Guinea, Kazakhstan, and Ukraine. These officers gathered information about local conditions and trafficking trends and assisted in establishing anti-trafficking information campaigns for the local population.

The Government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The Government worked closely with and supported NGOs that combatted trafficking.